

[Counsel for parties are listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARTIN LEWIS, AARON COOPER, and
ANISSA SCHILLING, on behalf of themselves
and a class of those similarly situated,

Plaintiffs,
vs.

WELLS FARGO & CO.,
Defendant.

Case No. CV-08-2670-CW

Judge: Hon. Claudia Wilken

**STIPULATION AND ORDER TO
ALLOW PLAINTIFFS LEAVE TO FILE
A SECOND AMENDED COMPLAINT**

Action Filed: May 28, 2008

Trial Date: None Set

The parties, through their respective counsel of record, hereby stipulate and agree that Plaintiffs may file a Second Amended Complaint ("SAC") to resolve the parties' disagreement regarding the Minnesota State law claims asserted by Plaintiff Anissa Schilling. The parties further stipulate and agree that Defendant Wells Fargo Bank, N.A.¹ shall have up to and including February 26, 2009 to file a responsive pleading to said SAC. In the event that this stipulation and Order is not signed and the SAC is not filed on or before February 26, 2009, any responsive pleading filed by Defendant on February 26, 2009 will nonetheless be deemed to be filed in response to the SAC, which Plaintiffs have previously provided to Defendant.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: February 25, 2009

/S/ - Jahan C. Sagafi

Jahan C. Sagafi

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DATED: February 25, 2009

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Attorneys for Defendant WELLS FARGO BANK, N.A.

¹ Erroneously sued as "Wells Fargo & Co."

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

4/3/2/09

DATED: _____



Hon. Claudia Wilken
UNITED STATES DISTRICT JUDGE

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